

## REMARKS

Claims 1-9, 13, 24 and 26 were previously canceled. Claim 12 is presently amended to address some minor informalities. Thus, claims 10-12, 14-23, 25 and 27-29 are currently pending. Applicants respectfully requests reconsideration and allowance of the pending claims in view of the following remarks.

### Response to Rejections Under Section 102:

Claims 10-13 stand rejected under 35 U.S.C § 102(b), the Examiner argues that these claims are anticipated by Alfonsi et al (USPN 5,491,590). Claim 10 is directed to a method for defining a distribution fan-out for the distribution of traffic via different paths in a packet network formed by a plurality of nodes and a plurality of connection sections for packet traffic having the same egress node. The method allows dividing the plurality of nodes into the plurality of classes. For each node a distance to the egress node is measured in a minimum number of hops. Nodes with the same minimum number of hops belong to the same class. From each node of a class, a link is routed to a node of a class having one fewer hop, and for a node of a class which is connected by a connection section to a node having the same class, a link between the node and the node of the same class is defined.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

Alfonsi consistently states throughout his disclosure that a key object of his invention is to split a network into backbone and local nodes. See Alfonsi col. 8, lines 17-19. See steps 1, 3, and 4 of Alfonsi's Optimal Path Search Methodology at Col. 13. See also abstract of Alfonsi. This is not a trivial requirement. For example, Alfonsi states that one of the network designer's responsibility at the time of configuration is to expressly define the attribution of each node: backbone or local node. See Alfonsi at col. 8, lines 8-10. Accordingly, one skilled in the art will appreciate that Alfonsi requires characterizing nodes based on whether a node belongs to a so-called backbone node or to a local node. Opposite to Alfonsi, the claimed invention expressly recites that nodes with the same minimum number of hops belong to the same class. That is, a node class is based on a number of hops and is not based on whether a node is a backbone node

or a local node. The fundamental concept of characterizing nodes as backbone or local nodes (Alfonsi) is wholly inapplicable to the claimed invention. Applicant is fully cognizant that Alfonsi at col. 15, line 25 et. seq., describes that a path between nodes is optimum if the number of hops is minimum. However, Alfonsi explains at col. 15, lines 53-55 that only the backbone links and local links are taken into account in the search process. Again, no such constraint is applicable to the claimed invention. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (Citations omitted).

In view of the foregoing considerations, it is respectfully submitted that claim 10 is not anticipated or suggested by Alfonsi. Furthermore, claims 11, 15, 17-19, 21, 25, 27, and 28 which depend on claim 10 are also patentable at least based on their dependency as well as based on their own respective structural and/or operational relationships. Therefore, Applicants respectfully requests that the Examiner withdraw the Section 102 rejection of such claims.

Independent claim 12 is directed to a method for defining a distribution fan-out for the distribution of traffic via different paths in a packet network formed by a plurality of nodes and a plurality of connection sections for packet traffic having the same egress node. Claim 12 in part recites that the node classes are determined according to the minimum number of hops between the nodes and the egress node. Nodes with the same minimum number of hops belong to the same class. It is respectfully submitted that Alfonsi similarly fails to anticipate or suggest the foregoing structural and/or operational relationships of claim 12. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (Citations omitted). Therefore, it is respectfully submitted that claim 12 is also not anticipated or suggested by Alfonsi. Furthermore, claims 14, 16, 20, 22, 23, and 29 which depend from claim 12 are also patentable at least based on their dependency as well as based on their structural and/or operational relationships. Therefore, Applicants respectfully requests that the Examiner withdraw the Section 102 rejection of such claims.

Response to Rejections Under Section 103:

Claims 14-15 stand rejected under 35 U.S.C § 103(a) as obvious over Alfonsi in view of Zaumen (USPN 5,881,243). Claims 18-21, 25, and 27-29 stand rejected under 35 U.S.C § 103(a), the Examiner argues that these claims are obvious over Alfonsi in view of Corson et al. (USPN 6,667,957).

It is respectfully submitted that Zaumen and Corson (singly and in combination) fail to remedy the fundamental deficiencies of Alfonsi discussed above. Consequently, on this basis alone, the respective combinations of Alfonsi and Zaumen; and Alfonsi and Corson fail to constitute respective *prima facie* combinations for appropriately sustaining a Section 103 rejection of the foregoing claims. Therefore, Applicants respectfully submits that these claims are patentable over such combinations and respectfully requests the Examiner to withdraw the Section 103 rejections.


Conclusion

It is respectfully requested that the rejections set forth in the outstanding Office Action should be reconsidered in light of the remarks above, and upon such reconsideration early allowance is solicited. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/28/08

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